

IN THE SENATE

SENATE BILL NO. 1107

BY EDUCATION COMMITTEE

AN ACT

RELATING TO TRUSTEES OF COMMUNITY COLLEGE DISTRICTS AND ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-2106, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO THE APPLICATION OF LAWS RELATING TO CERTAIN ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-2106, Idaho Code, be, and the same is hereby amended to read as follows:

33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of trustees of each community college district shall consist of five (5) school electors residing in the district who shall be appointed or elected as herein provided.

(a) Immediately following the establishment of a community college district, the state board of education shall appoint the members of the first board, who shall serve until the election and qualification of their successors.

(b) At the first election of trustees after the creation of a district, five (5) trustees shall be elected: two (2) for terms of two (2) years each, and three (3) for terms of four (4) years each. Thereafter the successors of persons so elected shall be elected for terms of four (4) years.

(c) Excluding any first election of trustees after the creation of a district, at any other election of trustees held in 2008, and in each trustee election thereafter, trustees shall be elected to terms of four (4) years. If more than two (2) trustee positions are eligible for election in 2008, one (1) trustee shall be elected to a term of four (4) years and two (2) trustees shall be elected to a term of six (6) years. Thereafter the successors of persons so elected in 2008 shall be elected for terms of four (4) years.

(d) The expiration of any term shall be at the regular meeting of the trustees next following the election for the successor terms.

(2) Elections of trustees of community college districts shall be biennially, in even-numbered years, and shall be held on a date authorized in section 34-106, Idaho Code. Vacancies on the board of trustees shall be filled by appointment by the remaining members, but if by reason of vacancies there remain on the board less than a majority of the required number of members, appointment to fill such vacancies shall be made by the state board of education. Any person so appointed shall serve until the next trustee election, at which time his successor shall be elected for the unexpired term. The trustees shall take and subscribe the oath of office required in the case of state officers and said oath shall be filed with the secretary of state.

1 (3) Notice of the election, the conduct thereof, the qualification of
2 electors and the canvass of returns shall be as prescribed in chapter 14, ti-
3 tle 34, Idaho Code.

4 (4) The person or persons, equal in number to the number of trustees to
5 be elected for regular or unexpired terms, receiving the largest number of
6 votes shall be declared elected. An individual shall be a candidate for a
7 specific position of the board and each candidate must declare which posi-
8 tion he seeks on the board of trustees. If it be necessary to resolve a tie
9 between two (2) or more persons, the board of trustees shall determine by
10 lot which thereof shall be declared elected. The clerk of the board shall
11 promptly notify any person by mail of his election, enclosing a form of oath
12 to be subscribed by him as herein provided.

13 (5) When elections held pursuant to this section coincide with other
14 elections held by the state of Idaho or any subdivision thereof, or any mu-
15 nicipality or school district, the board of trustees may make agreement with
16 the body holding such election for joint boards of election and the payment
17 of fees and expenses of such boards of election on such proportionate basis
18 as may be agreed upon.

19 (6) At its first meeting following the appointment of the first board of
20 trustees, and at the first regular meeting following any community college
21 trustee election, the board shall organize, and shall elect one (1) of its
22 members chairman, one (1) a vice-chairman; and shall elect a secretary and
23 a treasurer, who may be members of the board; or one (1) person to serve as
24 secretary and treasurer, who may be a member of the board.

25 (7) The provisions of sections 67-6601 through 67-6616, Idaho Code, and
26 sections 67-6623 through 67-6630, Idaho Code, are hereby made applicable to
27 all community college trustee elections. Provided however, that the county
28 clerk shall stand in place of the secretary of state and the county prosecu-
29 tor shall stand in place of the attorney general. Any report or filing re-
30 quired to be filed by or for a candidate by such sections of Idaho Code shall
31 be filed with the county clerk of the county where such candidate resides.

32 (8) The board shall set a given day of a given week in each month as its
33 regular meeting time. Three (3) members of the board shall constitute a quo-
34 rum for the transaction of official business.

35 (89) The authority of trustees of community college districts shall be
36 limited in the manner prescribed in section 33-507, Idaho Code.